

REMARKS

Introduction

Claims 1-64 are pending in this application.

Applicant requests that claims 1, 11, 21, 27, 33, 43, 49, and 59 be amended to more particularly define the invention. No new matter would be added and the amendments are fully supported and justified by the specification.

Reconsideration of this application in light of the following remarks is hereby respectfully requested.

Summary of the Examiner's Action

Claims 1, 11, 33, and 49 are rejected under 35 U.S.C. § 102(b) as being anticipated by Scagnelli et al., U.S. Patent 5,921,865 (hereinafter "Scagnelli").

Claims 21-32, 43-48, and 59-64 are rejected under 35 U.S.C. § 102(e) as being anticipated by Walker et al., U.S. Patent 6,325,716 B1 (hereinafter "Walker").

Claims 2-5, 7, 9, 12-15, 17, 19, 34-37, 41, 50-53, 55, and 57 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Scagnelli in view of LottoBot, <http://lotobot.net> (hereinafter "LottoBot").

Claims 6, 16, 38 and 54 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Scagnelli in

view of Luciano et al., U.S. Patent 6,168,521 (hereinafter "Luciano").

Claims 8, 18, 40 and 56 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Scagnelli in view of SGI Insights, Scientific Gaming International, vol. 1, issue no. 5 (January 1999) (hereinafter "SGI").

Claims 10, 20, 39, 42 and 58 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Scagnelli in view of McCollom et al., U.S. Patent Application Publication 2002/001623 A1 (hereinafter "McCollum").

Applicant's Reply to the Rejection of
Claims 1, 11, 33, and 49 Under 35 U.S.C. § 102(b)

Claims 1, 11, 33, and 49 are rejected under 35 U.S.C. § 102(b) as being anticipated by Scagnelli. Although applicant does not agree with Examiner's basis for rejection, applicant has amended independent claims 1, 11, 33, and 49 to advance prosecution. The Examiner's rejections are respectfully traversed.

Applicant's invention, as defined by amended independent claims 1, 11, 33, and 49 is directed towards a method, systems, and machine-readable media for allowing a user to participate in lottery wagering using user equipment. An interactive wagering application is used to visually

display a listing of lotteries in which the user may participate on the user equipment. The interactive wagering application gives the user the ability to participate in at least one of the lotteries. The user equipment may be, for example, a set-top box, a television, a personal computer, a cellular telephone, a handheld computing device, or any other suitable device that is capable of displaying a listing of lotteries.

Scagnelli refers to a lottery wagering system in which a user may use a touch-tone telephone to participate in a lottery. According to Scagnelli, the user, after calling a specified number, is welcomed by a voice responsive unit (VRU), which asks for information needed to participate in a lottery using voice prompts. The VRU receives user responses via touch-tone signals generated when the user presses buttons on a telephone keypad.

The Examiner asserts that the term "display" is not limited to a particular type of display and may refer to a video, audio, or tactile display. Thus, the Examiner contends that Scagnelli's telephone based system has an "audio display." Applicant respectfully disagrees with Examiner's assertion. The term "display" is defined as "an electronic device (as a cathode-ray tube) that temporarily

presents information in visual form." Merriam-Webster's Collegiate Dictionary 334, 10th ed. 1998. Thus, claims that include the term "display", require a visual display. However in order to advance prosecution, applicant has amended independent claims 1, 11, 33, and 49 to specifically recite a "visual display".

The Examiner further argues that the secondary embodiment referred to in Scagnelli, in which the user-equipment is a special purpose computer that takes the place of the telephone equipment, need not disclose the use of a display since the specification need not disclose what is well known in the art. The Examiner cites Lindemann Maschinenfabrik GMBH v. American Hoist & Derrick Co., 730 F.2d 1452, 1463, 221 USPQ 481, 489 (Fed. Cir. 1984), to support this position. Applicant respectfully submits that the Examiner is incorrect in the interpretation and application of this case. The standard cited by the Examiner, namely, that the specification need not disclose what is well know in the art, is directed towards an enablement analysis, not an anticipation analysis. See Lindemann Maschinenfabrik GMBH, 221 USPQ at 489. In fact, in reference to anticipation analysis, the Federal Circuit in this same case clearly states that "anticipation requires the

presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim." Lindemann Maschinenfabrik GMBH, 221 USPQ at 485. Because the Examiner concedes that Scagnelli does not show or suggest the use of a visual display, Scagnelli cannot possibly anticipate applicant's claimed invention by this standard.

The Examiner further argues that the fact that Scagnelli teaches away from the use of a display is inapplicable to an anticipation analysis by citing Celeritas Tech. Ltd. v. Rockwell Int'l Corp., 150 F.3d 1354, 1361, 47 USPQ2d 1516, 1522-23 (Fed. Cir. 1998) and Atlas Powder Co. v. IRECO, Inc., 190 F.3d 1342, 1349, 51 USPQ2d 1943, 1948 (Fed. Cir. 1999). More particularly, the Examiner argues that these cases show that a prior art reference may anticipate claims even if they teach away from the claimed invention.

In Celeritas Tech., the court states that "[i]t is well settled that a claim is anticipated if each and every limitation is found either expressly or inherently in a single prior art reference. . . . A reference is no less anticipatory if, after disclosing the invention, the reference then disparages it." Celeritas Tech. Ltd.,

47 USPQ2d at 1522. Similarly, in Atlas Powder, the court found that although the prior art "may have suggested removal of air, it nonetheless inherently contained interstitial aeration sufficient to enhance sensitivity when comprised within the Clay patent ranges." Atlas Powder Co., 51 USPQ2d at 1948. In both of these cases the prior art explicitly, as in the case of Celeritas Tech., or inherently, as in the case of Atlas Powder, disclosed each and every limitation of the claim before teaching away. In these cases, the courts determined that once a claim is anticipated by a prior art reference, then the fact that the prior art reference teaches away from a claimed element is not sufficient to overcome this anticipation.

The rule in these cases is distinguished by Khyber Tech. Corp. v. Casio, Inc., U.S. Dist. LEXIS 12450, 22-24 (Mass. Dist. Ct. 2003). In Khyber Tech., the prior art used optical disks and not solid state memory to solve a perceived storage and functionality problem. The court found that "[t]he publication's reference to solid state memory states that semiconductor memory is not suitable for storing large volumes of data and therefore, unlike in Celeritas, the inventors believe that their device could not operate using semi-conductor memory." Khyber Tech., LEXIS 12450 at 24. In

Khyber Tech., the mere mention by the prior art of the claimed element was not sufficient to anticipate the claims. This case makes clear that the prior art must actually teach the use of a claimed element for there to be anticipation.

In the instant case, there is no anticipation. Scagnelli's telephone based lottery system does not refer to a display either expressly or inherently. Scagnelli, in the Background of the Invention, does briefly discuss Markowicz, U.S. Patent 4,842,278 (hereinafter "Markowicz"), in which a display is referenced. This discussion of Markowicz, however, fails to anticipate applicant's claimed invention. Further, the context in which the display of Markowicz is referenced teaches away from the use of a visual display with the system of Scagnelli. In discussing the problems of the Markowicz system among others, Scagnelli states that such a system does not "allow a subscriber to call up on a touch-tone telephone...[and] place wagers in one or more lotteries." Scagnelli, at column 1, lines 64-65. This effectively implies that modifying Scagnelli to include a display would render it unsatisfactory for its intended purpose. Thus, similar to Khyber Tech., the mere reference to a display is not sufficient to anticipate applicant's claims.

Accordingly, Scagnelli does not refer to the use of a visual display as required by applicant's claimed invention. Additionally, contrary to the Examiner's assertion, applicant has also demonstrated that a prior art reference must disclose each and every element of the claimed invention, arranged as in the claim to anticipate the claimed invention. Further, applicant has also demonstrated, contrary to the Examiner's assertion, that a prior art reference may teach away from the use of a claimed element without disclosing that element, and when this occurs, the reference is not anticipatory. For at least these reasons, applicant submits that Scagnelli does not show or suggest applicant's claimed invention.

Accordingly, for at least the above reasons, applicant's amended independent claims 1, 11, 33, and 49 are allowable over Scagnelli. Applicant respectfully requests that the rejection of claims 1, 11, 33, and 49 be withdrawn.

Applicant's Reply to the Rejection of
Claims 21, 27, 43, and 59 under 35 U.S.C. § 102(e)

Independent claims 21, 27, 43, and 59 are rejected under 35 U.S.C. § 102(e) as being anticipated by Walker. Although applicant does not agree with Examiner's basis for rejection, applicant has amended independent claims 21, 27,

43, and 59 to advance prosecution. The Examiner's rejections are respectfully traversed.

Applicant's invention, as defined by amended independent claims 21, 27, 43, and 59, is directed towards a method, systems, and machine-readable media for using an interactive wagering application to allow a user to participate in a lottery automatically. The user is given the ability to specify conditions under which he wishes to participate in the lottery via the electronic user equipment on which the interactive wagering application is at least partially implemented (i.e., by directly entering the conditions into the electronic user equipment). The interactive wagering application automatically participates in the lottery on behalf of the user when the conditions are met.

Walker refers to a lottery system in which a user must purchase tickets from a lottery agent. After entering necessary information (i.e., lottery numbers and conditions for participating) on a slip of paper by hand, the user must present the slip to a lottery agent who must then scan the slip into his lottery terminal in order to issue and print lottery tickets.

The Examiner asserts that Walker's conditional lottery system allows the user to interact with the system via user equipment to set conditions under which the user automatically participates in the lottery and as such, teaches all the features of claims 21, 27, 43, and 59. The Examiner argues that Walker shows "user equipment" by the use of paper entry forms. Applicant respectfully submits that on the face of the claim, the term "user equipment" means electronic equipment. However, in light of the Examiner's continued objection, Applicant is amending the claims to recite "electronic user equipment" in order to advance prosecution. Because the Examiner argues that the user equipment referred to in Walker is a paper entry form, applicant respectfully submits that Walker does not show or suggest the use of electronic user equipment as required by applicant's amended claims.

Accordingly, for at least the above reasons, applicant's amended independent claims 21, 27, 43, and 59 are allowable over Walker. Applicant respectfully requests that the rejection of claims 21, 27, 43, and 59 be withdrawn.

Applicant's Reply to the Rejection of
Claims 6, 16, 38, and 54 Under 35 U.S.C. § 103(a)

The Examiner rejected claims 6, 16, 38 and 54 under 35 U.S.C. § 103(a) as being unpatentable over Scagnelli in

view of Luciano. The Examiner's rejections are respectfully traversed.

Applicant's invention as defined by claims 6, 16, 38 and 54, is directed towards a method, systems, and machine-readable media for recording, in a multimedia format, the lottery drawings associated with the lotteries in which a user participated.

Luciano refers to a video lottery game system using multiple player-activated video terminals that are linked to computers. Each player places a wager and selects his lottery draw choices. The system enrolls the player in a future lottery game after the player makes his choices. After the central game server generates random game selections and communicates these random game selections to the central accounting server and to the scoreboard, the central game server records the random game selections and then repeats the process. Each video terminal may then display the results of each lottery game in such a manner as to provide the excitement of a real time game.

The Examiner asserts that in view of Luciano, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to modify Scagnelli to add the feature of recording lottery drawings, associated with the

lotteries in which the user participated, in a multimedia format.

Contrary to the Examiners assertion, whether taken alone or in combination, neither Scagnelli nor Luciano shows recording, in a multimedia format, the lottery drawings associated with the lotteries in which a user participated. "Multimedia" is defined as "using, involving, or encompassing several media." Merriam-Webster's Collegiate Dictionary 762, 10th ed. 1998. In accordance with applicant's invention, this multimedia recording of a lottery drawing may be, for example, an audio-visual recording of a live lottery drawing. Luciano refers to a video lottery game system in which "[a] central game server 130 is a computer of a type commercially available which is programmed solely to randomly draw lottery numbers or picks on a periodic basis." Luciano, at column 5, line 66 - column 6, line 1. The randomly drawn lottery number selections are digitally stored. Luciano makes no mention of recording lottery drawings in a multimedia format. Rather, Luciano merely refers to storing the computer-generated selections in a database. These selections inherently exist in some form of numerical data format which is not a multimedia format as required by applicant's claimed invention.

The Examiner argues that the lottery system suggested by the combination of Scagnelli with Luciano would describe all of the features of applicant's claims "except the recording being in a multimedia format." Office Action, at page 3. The Examiner continues to argue that

Luciano teaches providing [an] entertaining electronic display. See col. 1:53-56. However, the reference does not describe in detail the format of the electronic display. Regardless, it would have been obvious to an artisan at the time of the invention to provide a multimedia display based on the ordinary knowledge of an artisan.

Office Action, at page 3. Applicant respectfully submits that whether Luciano provides an entertaining electronic display is irrelevant. Applicant's claims are directed toward recording in a multimedia format, not displaying in a multimedia format. The fact that Luciano has an entertaining electronic display, which may or may not be multimedia in nature, does not change the fact that Luciano does not show recording in a multimedia format.

The Examiner takes official notice that it was within the ordinary knowledge of an artisan at the time of the invention to employ a multimedia format in an electronic entertainment display. Office Action, at pages 3-4. Applicant is unsure what the Examiner means by "a multimedia

format in an electronic entertainment display," but assumes that the Examiner intended to say that it was within the ordinary knowledge of an artisan at the time of the invention to display multimedia content on a visual electronic display. While applicant does not dispute the fact that it may have been within the ordinary knowledge of an artisan at the time of the invention to display multimedia content on a visual electronic display, applicant fails to see the relevance of this in showing whether the combination in question shows all the features of applicant's claimed invention. While Luciano may show an entertaining display, Luciano does not show recording lottery drawings in a multimedia format as required by applicant's claims. Nor does Scagnelli.

Therefore, whether taken alone or in combination, both Scagnelli and Luciano fail to show the features of applicant's invention as defined by claims 6, 16, 38 and 54.

Moreover, applicant respectfully submits that the Examiner has failed to make out a *prima facie* case of obviousness required to support a rejection under 35 U.S.C. § 103(a). In order to establish a *prima facie* case of obviousness based on a combination of references, there must be "some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves

or in the knowledge generally available to one of ordinary skill in the art." MPEP, at § 2143.01. Applicant respectfully submits that the Examiner has failed to fulfill the requirement of presenting an "objective teaching . . . or . . . knowledge generally available to one of ordinary skill in the art that would lead that individual to combine the relevant teachings of the references," In re Fine, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988). See In re Rouffet, 149 F.3d 1350, 1355 ("When a rejection depends on a combination of prior art references, there must be some teaching, suggestion, or motivation to combine the references"). In order to establish a *prima facie* case of obviousness based on a combination of references, there must be "some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art." MPEP, at § 2143.01.

Applicant respectfully submits that the Examiner is merely making a broad conclusory statement, and fails to point to any objective teaching by either Scagnelli or Luciano that would lead one of ordinary skill in the art to combine the references. Such "[b]road conclusory statements regarding the teaching of multiple references, standing

alone, are not 'evidence'" of a motivation to combine. In re Dembiczak, 50 USPQ2d 1614, 1617 (Fed. Cir. 1999), abrogated on other grounds by In re Gartside, 53 USPQ2d 1769 (Fed. Cir. 2000).

Instead of providing an objective teaching of a motivation to combine Scagnelli and Luciano, the Examiner merely concludes that it would have been obvious to combine Scagnelli and Luciano to add the feature of recording the lottery results because "recording the results of a lottery drawing for display enhances the lottery system by providing the excitement of a real time game." Office Action, at page 3. The fact that adding a feature would improve the system is not an objective teaching that would lead one of ordinary skill in the art to combine the references to obtain applicant's invention.

Applicant respectfully submits that the Examiner has employed hindsight reconstruction in combining the references. With the knowledge of applicant's novel system for recording a lottery drawing in a multimedia format, particular features of the prior art were identified for use in rejecting applicant's invention. This technique has long been held invalid by the courts at creating a *prima facie* case of obviousness. See In re Fine, 5 USPQ2d at 1600.

("One cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention.").

The Examiner has used applicant's own invention as a bridge between Scagnelli and Luciano. In doing so, the Examiner has demonstrated mere hindsight reconstruction, the very "syndrome" that the requirement for objective evidence is designed to combat, and the rejection is therefore insufficient as a matter of law. See In re Dembiczak, 50 USPQ2d at 1617-1618.

Because the Examiner failed to point to a suggestion or motivation for modifying Scagnelli with the teachings of Luciano, applicant respectfully submits that the Examiner has failed to make a *prima facie* case of obviousness. MPEP, at § 2142.

In fact, Scagnelli teaches away from a combination with Luciano. As discussed previously, Scagnelli's telephone-based interface teaches away from the use of visual displays. Because Luciano is based entirely on a visual display interface, Scagnelli teaches away from being combined with Luciano.

Accordingly, for at least the above reasons applicant's amended claims 6, 16, 38 and 54 are allowable

over Scagnelli in view of Luciano. Applicant respectfully requests that the rejection of claims 6, 16, 38 and 54 be withdrawn.

Applicant's Reply to the Rejection of Claims
10, 20, 42 and 58 Under 35 U.S.C. § 103(a)

The Examiner rejected claims 10, 20, 42 and 58 under 35 U.S.C. § 103(a) as being unpatentable over Scagnelli in view of McCollom. The Examiner's rejections are respectfully traversed.

Applicant's invention, as defined by claims 10, 20, 42 and 58, is directed towards a method, systems, and machine-readable media for allowing a user of an interactive wagering application to create a wager, for allowing the user to finalize the wager at a later time, and for reminding the user to finalize the wager.

McCollom refers to a system for publishing, distributing and redeeming coupons on a network. Additionally, McCollom refers to a "shopping list" or "wish list" containing items that a user stores for future purchase.

The Examiner asserts that the combination of Scagnelli with McCollum, when taken as a whole, suggests to an artisan at a time prior to the invention, a lottery system allowing a user to purchase lottery tickets over the Internet

in which the user may finalize wagers at a later time and be reminded of the need to finalize wagers.

Applicant previously argued in the Reply to Office Action, submitted on May 22, 2003, that Scagnelli and McCollom, whether taken alone or in combination, do not show or suggest giving the user the ability to finalize a wager at a later time, nor does it show or suggest reminding the user to finalize the wager. Applicant argued, and still maintains, that the mere presence of a shopping cart icon on a display in McCollom combined with the telephone based lottery system of Scagnelli is insufficient to support the Examiner's rejections.

The Examiner responds to applicant's argument by asserting that one cannot attack a reference individually where the rejection is based on a combination of references, relying on In re Keller, 642 F.2d 413, 208 USPQ 871 (CCPA 1981), and In re Merck & Co., 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). The Examiner refers to these cases to show that "the standard of patentability is what the prior art taken as a whole at a time prior to the invention suggests to an artisan." Office Action, at page 7.

The court in In re Keller held that it did not matter that a piece of prior art did not show all the claimed

features of the invention, but rather that the combination taken as a whole did show all of the elements of the claimed invention. See In re Keller, 642 F.2d at 424-426.

Similarly, in In re Merck & Co., the court held that a piece of prior art should not be read in isolation, but read for what it fairly teaches in combination with the prior art as a whole. See In re Merck & Co., 800 F.2d at 1097.

Applicant respectfully submits that applicant's arguments are not directed towards Scagnelli and McCollom individually, but are in fact directed towards the combination of the references as a whole. Any arguments seemingly directed individually at either one of the references is clearly meant to demonstrate that the features that each of the two references contributes to the combination cumulatively fall short of showing all the features of applicant's claimed invention. Therefore, the combination of the references, taken as a whole, do not show applicant's claimed invention.

Scagnelli shows nothing that relates to applicant's claimed features of giving a user the ability to finalize a wager at a later time and later reminding the user to finalize the wager. Because Scagnelli does not show these features, the Examiner seeks to combine Scagnelli with

McCollom and attempts to show that the combination of these references shows applicant's claimed features. For this reason, applicant explained in the Reply to Office Action of May 22, 2003, that the wish list in McCollom does not show, nor is any way analogous to any of the features of applicant's claimed invention. By so doing, applicant has not argued against McCollom individually, but rather has shown that the combination of these two references do not show applicant's claimed invention. If Scagnelli does not show giving a user the ability to finalize a wager at a later time and later reminding the user to finalize the wager and McCollom's wish list feature also does not show giving a user the ability to finalize a wager at a later time and later reminding the user to finalize the wager, then the combination of the references do not show the features of applicant's claimed invention.

Moreover, applicant respectfully submits that the Examiner has failed to make out a *prima facie* case of obviousness required to support a rejection under 35 U.S.C. § 103(a). In order to establish a *prima facie* case of obviousness based on a combination of references, there must be "some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves

or in the knowledge generally available to one of ordinary skill in the art." MPEP, at § 2143.01. The Examiner contends that

Purchasing lottery entries through the Internet is merely a subset of online shopping. The methods disclosed in McCollom to store, finalize and receive reminders of purchases is equally applicable [to] lottery entries through the Internet as it is to distributing or selling books. Thus, in this case the combination of Scagnelli with McCollom, when taken as a whole, suggests to an artisan at a time prior to the invention a lottery system allowing users to purchase lottery tickets over the Internet wherein user may finalize wagers at a later time and be reminded of the need to finalize wagers.

Office Action, at pages 7-8. However, applicant respectfully submits that the Examiner has failed to fulfill the requirement of presenting an "objective teaching ... or ... knowledge generally available to one of ordinary skill in the art that would lead that individual to combine the relevant teachings of the references," In re Fine, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988). See In re Rouffet, 149 F.3d 1350, 1355 ("When a rejection depends on a combination of prior art references, there must be some teaching, suggestion, or motivation to combine the references").

Applicant respectfully submits that the Examiner is merely making a broad conclusory statement, and fails to point to any objective teaching by either Scagnelli or McCollom that would lead one of ordinary skill in the art to

combine the references. Such "[b]road conclusory statements regarding the teaching of multiple references, standing alone, are not 'evidence'" of a motivation to combine. In re Dembiczak, 50 USPQ2d 1614, 1617 (Fed. Cir. 1999), abrogated on other grounds by In re Gartside, 53 USPQ2d 1769 (Fed. Cir. 2000).

Instead of providing an objective teaching of a motivation to combine Scagnelli and McCollom, the Examiner merely concludes that it would have been obvious to combine Scagnelli and McCollom because, allegedly, "buying lottery tickets through the Internet is merely a subset of online shopping." Office Action, at page 7. This reasoning does not point to any objective teaching that would lead one of ordinary skill in the art to combine the references to obtain applicant's invention, especially in light of the fact that McCollom refers to a system for publishing, distributing and redeeming coupons on a network and not a system for allowing a user to complete a wager at a later time and remind the user to complete the wager.

Applicant respectfully submits that the Examiner has employed hindsight reconstruction in combining the references. With the knowledge of applicant's novel system for giving a user the ability to finalize a wager at a later

time and later reminding the user to finalize the wager, particular features of the prior art were identified for use in rejecting applicant's invention. This technique has long been held invalid by the courts at creating a *prima facie* case of obviousness. See In re Fine, 5 USPQ2d at 1600 ("One cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention.").

The Examiner has used applicant's own invention as a bridge between Scagnelli and McCollom. In doing so, the Examiner has demonstrated mere hindsight reconstruction, the very "syndrome" that the requirement for objective evidence is designed to combat, and the rejection is therefore insufficient as a matter of law. See In re Dembiczak, 50 USPQ2d at 1617-1618.

Because the Examiner failed to point to a suggestion or motivation for modifying Scagnelli with the teachings of McCollom, applicant respectfully submits that the Examiner has failed to make a *prima facie* case of obviousness. MPEP, at § 2142.

In fact, Scagnelli teaches away from a combination with McCollom. As discussed previously, Scagnelli's telephone-based interface teaches away from the use of visual

displays. Because McCollom is based entirely on a visual display interface, Scagnelli teaches away from being combined with McCollom.

Accordingly, for at least the above reasons, applicant's claims 10, 20, 42 and 58 are allowable over Scagnelli in view of McCollom. Applicant respectfully requests that the rejection of claims 10, 20, 42 and 58 be withdrawn.

Applicant's Reply to the Rejection of
Claims 2-10, 12-20, 22-26, 28-32,
34-42, 44-48, 50-58, and 60-64

The Examiner rejected claims 2-5, 7, 9, 12-15, 17, 19, 34-37, 41, 50-53, 55, and 57 under 35 U.S.C. § 103(a) as being unpatentable over Scagnelli in view of LottoBot. Claims 2-5, 7, 9, 12-15, 17, 19, 34-37, 41, 50-53, 55, and 57 are allowable at least because they depend from allowable independent claims 1, 11, 33 and 49. Applicant respectfully requests that the rejection of claims 2-5, 7, 9, 12-15, 17, 19, 34-37, 41, 50-53, 55, and 57 be withdrawn.

The Examiner rejected claims 6, 16, 38, and 54 under 35 U.S.C. § 103(a) as being unpatentable over Scagnelli in view of Luciano. Claims 6, 16, 38, and 54 have been shown to be allowable above. Claims 6, 16, 38, and 54 are further allowable at least because they depend from allowable

independent claims 1, 11, 33 and 49. Applicant respectfully requests that the rejection of claims 6, 16, 38, and 54 be withdrawn.

The Examiner rejected claims 8, 18, 40, and 56 under 35 U.S.C. § 103(a) as being unpatentable over Scagnelli in view of SGI. Claims 8, 18, 40, and 56 depend from independent claims 1, 11, 33 and 49 and are allowable at least because claims 1, 11, 33 and 49 are allowable. Applicant respectfully requests that the rejection of claims 8, 18, 40, and 56 be withdrawn.

The Examiner rejected claims 10, 20, 39, 42 and 58 under 35 U.S.C. § 103(a) as being unpatentable over Scagnelli in view of McCollom. Claims 10, 20, 42 and 58 have been shown to be allowable above. Claims 10, 20, 42 and 58 are further allowable at least because they depend from allowable independent claims 1, 11, 33 and 49. Claim 39 is allowable at least because it depends from allowable independent claim 33. Applicant respectfully requests that the rejection of claims 10, 20, 39, 42 and 58 be withdrawn.

The Examiner rejected claims 22-26, 28-32, 44-48, and 60-64 under 35 U.S.C. § 102(e) as being anticipated by Walker. Claims 22-26 and 28-32 depend from independent claims 21, 27, 43, and 59 are allowable at least because


claims 21, 27, 43, and 59 are allowable. Applicant respectfully requests that the rejection of claims 22-26, 28-32, 44-48, and 60-64 be withdrawn.

Conclusion

For at least the foregoing reasons, applicant respectfully submits that this application is in condition for allowance.

Accordingly, prompt reconsideration and allowance
of this application are respectfully requested.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Alex Shvarts", is written over a horizontal line.

Alexander Shvarts
Registration No. 47,943
Agent for Applicant
FISH & NEAVE
Customer No. 1473
1251 Avenue of the Americas
New York, New York 10020-1105
(212) 596-9000